

Panaji, 16th October, 1975 (Asvina 24, 1897)

SERIES I No. 29

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

#### Notification

1-41-74-SPL

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of Home Affairs, Notification No. F.1/29/68-GP dated the 29th June, 1968, the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Arts and Science College Daman, Class I Gazetted posts Recruitment Rules, 1975 issued under Notification of even number dated 5th March, 1975, published in Official Gazette, Series I, No. 4 dated 25th April, 1975 namely:—

1. **Short title and commencement.**— (i) These rules may be called the Goa Government Arts and Science College Daman, Class I, Gazetted posts Recruitment (First amendment) Rules, 1975.

(ii) they shall come into force at once.

2. In the schedule attached to the said Notification against the post of Lecturers, after the existing entry in column 7 add:—

“Desirable:—

- (i) Doctorate in the subject concerned.
- (ii) Ability to teach through the medium of Hindi or Gujarati”.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 3rd October, 1975.

Home Department (General)

#### Notification

HD(G)-34-3/73

In exercise of the powers conferred by sub-section (2) of section 46 of the Police Act, 1861 (Central Act 5 of 1861) read with section 2 and section 7 of the said Act the Lt. Governor of Goa, Daman and Diu hereby makes the following rules so as to amend

the Goa, Daman and Diu Police Subordinate Service (Discipline and Appeal) Rules, 1975 (hereinafter called the principal rules), namely:—

1. In clause (b) of sub-rule (3) of rule 4 of the principal rules for the words “A police constable and a Head Constable”, the words “A police constable, a Head Constable or a driver” shall be substituted.

2. The existing rule 23 of the principal rules shall be renumbered as rule 24 and the following shall be inserted as rule 23, namely:—

“23. **Pending proceedings.**— All pending disciplinary proceedings ordered or instituted under section 7 of the Police Act, 1861 or under the Central Civil Service (Classification, Control and Appeal) Rules, 1965 prior to the commencement of these Rules shall be deemed to have been instituted or ordered under these Rules and shall be decided in accordance with these Rules”.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 1st October, 1975.

Industries and Power Department

#### Notification

2-56-70-71-IPD(Vol-B)

In exercise of the powers conferred by section 23 read with section 51A of the Indian Electricity Act, 1910 (Act No. 9 of 1910), and all other powers enabling him in this behalf, The Lieutenant Governor of Goa, Daman and Diu hereby makes the following order further to amend the Electricity Supply Tariffs published under the Government Notification No. 2-56-70-71-IPD(VOL-B), dated 31-12-74, in the Official Gazette Extraordinary, Series I, No. 39, dated 31-12-1974 (hereinafter called as the Electricity Supply Tariffs), namely:—

1. In chapter III of the Electricity Supply Tariffs, Part C, after category of tariff No. 10, the following shall be inserted, namely:—

“11. **Tariff—LTPLT/Poultry:**— Tariff PS/Unit (KWH)

Applicable to poultry. All consumption during the month 20

Minimum charges: Rs. 5/- per month per installation, exclusive of meter rent.

*Note:* This rate of tariff is made available only to those consumers who produce a certificate from the Director of Animal Husbandry, Government of Goa, Daman and Diu, to the effect that the consumer carries on the poultry farming on regular basis.

This order will have effect from 1-10-1975.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Power).

Panaji, 3rd October, 1975.

## Local Self Government Department

### Notification

7-18-74-LSG

Whereas certain draft rules which the Government of Goa, Daman and Diu proposes to make in exercise of the powers conferred by section 35 of the Goa, Daman and Diu Prevention of Begging Act, 1972 (4 of 1973) were published as required by sub-section (1) of section 35 of the said Act, at pages 220 to 226 of the Official Gazette, Series I No. 19 dated 7th August, 1975 under the notification of Local Self Government Department, Government of Goa, Daman and Diu, No. 7-18-74-LSG dated 18th July, 1975 inviting objections or suggestions from any person likely to be affected thereby within 30 days from the date of publication of Notification in the Official Gazette.

And whereas the said Gazette was made available to the public on 7th August, 1975.

And whereas no objections and suggestions are received from the public on the said draft.

Now, therefore, in exercise of the powers conferred by section 35 of the Goa, Daman and Diu Prevention of Begging Act, 1972 (4 of 1973), the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

**1. Short title and commencement.**—(1) These rules may be called the Goa, Daman and Diu Prevention of Begging Rules, 1975.

(2) They shall come into force at once.

**2. Definitions.**—In these rules, unless the context otherwise requires,

(a) "Act" means the Goa, Daman and Diu Prevention of the Begging Act, 1972 (Act no. 4 of 1973);

(b) "Form" means a form appended to these rules;

(c) "Government" means the Government of Goa, Daman and Diu;

(d) "Section" means a section of the Act; and

(e) "Territory" means the Union territory of Goa, Daman and Diu.

**3. Manner authorising a person for receiving alms under section 2(i)(a).**—(1) A person desiring to solicit or receive money, food or gifts for any purpose shall apply for an authorisation to the District Magistrate.

(2) The application shall contain the following particulars:

(a) full name of the applicant,

(b) his age,

(c) his occupation,

(d) his address,

(e) the period, the purpose and the manner of collection of money, food or gifts,

(f) the method of its disposal and the area within which the disposal is to be made.

(3) The District Magistrate may after making such enquiry as he deems fit issue an authorisation in Form "A" subject to such further conditions as he may think it necessary to impose, having regard to the purpose for which the collection shall be made.

(4) The holder of an authorisation shall carry the authorisation with him while soliciting or receiving money, food or gifts and shall, on demand, by a police officer or an officer authorised in this behalf by the Government, produce it for inspection.

(5) A breach of any of the conditions shall render the authorisation liable to cancellation.

(6) If the District Magistrate, is of opinion that an authorisation should not be issued to the applicant, he shall record his reasons therefore and as soon as may be, inform the applicant that the authorisation is refused.

(7) The Government may issue an authorisation to any person in respect of any place or area irrespective of such authorisation having been refused under sub-rule (6).

(8) The authorisation issued under sub-rules (3) and (7) shall be duly communicated to the Chief Inspector and the Superintendent concerned.

**4. Persons authorised for purpose of section 4(1).** Every Superintendent shall be a person authorised for the purpose of section 4.

**5. Manner of keeping persons arrested under section 4(3) or section 9(3).**—(1) Subject to provisions of sub-rule (2), the Officer in charge of a police station or section shall cause a person arrested under section 4 or section 9, until he can be brought before a Court, to be kept in the nearest Receiving Centre or at the Police Station. Such person shall, while in custody at the police station be, as far as possible, kept apart from other persons in custody therein:

Provided that, nothing in this sub-rule shall require such person to be kept apart from other persons kept at the police station in pursuance of this sub-rule.

(2) No person shall, in pursuance of sub-rule (1) be kept with a person not of the same sex:

Provided that, nothing in this sub-rule shall apply to a child under twelve years of age.

**6. Manner of summary inquiry under section 5(1).** — So far as may be, the procedure prescribed in the Code of Criminal Procedure, 1973 (2 of 1974), for the trial of summons cases, and for recording evidence therein, shall be followed in making an inquiry under sub-section (1) of section 5.

**7. Contribution of parent or other person under section 8(1).** — (1) The Court making an order under sub-section (1) of section 8 may direct the parent or other person liable to maintain the person detained in a Certified Institution, to pay in court in advance, in the beginning of each month, such sum of money, as the Court thinks fit, not exceeding Rs. 30/- per month, towards the maintenance of such persons.

(2) All payments made under sub-rule (1) shall be credited by Courts in the Treasury of Institute of Public Assistance (Providoria).

**8. Cleansing and medical examination of persons remanded to or detained in Receiving Centre or Certified Institution.** — (1) Every person remanded to or detained in a Receiving Centre or Certified Institution shall —

(a) submit to —

(i) preliminary medical examination and such medical dressing as may in the opinion of the Medical Officer, be necessary;

(ii) such trimming or shaving of the hair on any part of the person as may in the opinion of Superintendent or the Medical Officer be necessary for the administration of medical treatment or for securing cleanliness and health;

(iii) thorough cleansing and washing of the body with such materials as may be provided and the complete removal of clothing in order to secure this object;

(b) wear such clothes as the Superintendent may direct.

(2) (a) Notwithstanding anything contained in sub-rule (1), a Medical Officer who in pursuance of the provisions of sub-section (1) of section 26 examines a person received in a Receiving Centre under section 25 shall carefully and thoroughly examine all parts of the body of such persons, and shall —

(i) record the result of his examination in Form B if the person is in good health, and in Form C, if he is not in good health,

(ii) keep a copy of such record in the case history of the person concerned, and

(iii) report the result of his examination to the Superintendent;

Provided that a female shall be examined in the female section of the Receiving Centre and, as far as possible, by a lady Medical Officer.

(b) The Medical Officer shall arrange in the Receiving Centre for any immediate medical treatment of the person found to be a contagious leper or a lunatic pending orders of the Government under sub-section (1), (2) and (3) of section 26 or of the Court under the proviso to the said sub-section (3).

(3) Without prejudice to the provisions of any of these rules, the minimum physical force necessary may be used to secure compliance with all or any of the provisions of sub-rule (1) or (2).

**9. Persons remanded by Court to and those detained in Receiving Centres to be kept separate.** — A person received in a Receiving Centre on remand by a Court shall, as far as possible, be kept in such Centre apart from persons undergoing a term of detention therein, and shall be allowed all reasonable facilities in connection with the hearing of his case.

**10. Persons received in Receiving Centre and Certified Institutions to be kept apart from other inmates.** — Every person received in a Receiving Centre or Certified Institution shall be kept apart from other persons in such Centre or Institution, unless the Superintendent is satisfied on a medical report that it is unnecessary to do so.

**11. Articles found on search and inspection to be entered in register.** — (1) In every Receiving Centre or Certified Institution, the Superintendent shall maintain a register of money, valuables or effects, if any, found with or on persons received therein.

(2) On a person being received in such Centre or Institution, the money, valuables or effects, if any, found with or on him, on search and inspection under section 18 and taken possession of, shall be, entered in such register, and the entries in the register shall be read over to him, and in token of the correctness of such entries, his signature taken in the presence of the Superintendent.

(3) All entries in such register shall be attested by the Superintendent.

**12. Disposal of property under section 18.** — The effects other than money or valuables belonging to a person received or detained in a Receiving Centre or Certified Institution not being a person kept in such Centre under rule 5, shall be disposed of in the following manner, that is to say: —

(a) if it consists of obscene pictures or literature, tobacco, snuff, opium, any drug or liquor, or perishable articles of trivial value, it shall be destroyed;

(b) if it consists of perishable articles of more than trivial value, it shall be sold by auction as soon as possible, and the proceeds kept in safe custody by the Superintendent;

(c) the clothing, bedding or other articles of such persons shall be destroyed if the Superintendent considers it essential on hygienic grounds or considers them to be worthless, or if the clothing or bedding is ragged; and the clothing, bedding and other articles of persons found to be suffering from any infectious or contagious disease, shall be burnt;

(d) clothing, bedding and other articles not covered by the provisions of clauses (a), (b) and (c) shall after being washed and disinfected, if necessary, be made up into a bundle or bundles and suitably stored. The Superintendent shall be responsible for their safe custody.

**13. Disposal of property after passing of Court's order under section 18.** — Where an order of detention is made by a Court against any person —

(a) The Superintendent may order that the money and valuables found with or on such persons be kept in safe custody and handed over to him at the time of his release.

(b) Any money or valuables belonging to such persons, may with his consent and with the approval of the Superintendent, be delivered to his friends or relatives at any time during the period of his detention; or the same may be sold, and the sale proceeds disposed of in such manner as the person may desire.

(c) At the time of the release of such person, the effects, valuables or money kept in safe custody shall be handed over to him and an entry made in that behalf in the register maintained under rule 11(2). Such entry shall be signed by the Superintendent.

**14. Staff not to buy articles auctioned.**—No person on the staff of a Receiving Centre, or Certified Institution shall, whether directly or indirectly bid at the auction of, or purchase, any property auctioned under these rules.

**15. Persons detained in Certified Institutions or Receiving Centre forbidden to do certain acts.**—A person remanded to or detained under section 19 in a Certified Institution or Receiving Centre shall not—

(i) refuse to receive any training arranged or ordered for him or to do the work allotted to him;

(ii) manufacture any articles without the knowledge or permission of the officer-in-charge of the various industries;

(iii) misbehave or quarrel with any other inmate;

(iv) omit to assist in the maintenance of discipline or to give assistance to an officer when called upon to do so;

(v) do or omit to do any act with intent to cause to himself any illness, injury or disability;

(vi) answer untruthfully any question or refuse to give a true account of his movements;

(vii) cause any disturbance or violence or omit to assist in suppressing any disturbance;

(viii) do any act or use any language calculated to hurt or offend the feelings and prejudices of a fellow inmate;

(ix) commit a nuisance or any act of indecency in any part of the institution or centre or refuse to obey any orders issued for proper sanitation;

(x) disobey any order regulating the cleanliness of his person, clothing, bedding, utensils or any other articles;

(xi) secrete any article whatsoever or damage any part of the kit of any other inmate or any property or implements of the institution or centre;

(xii) refuse without reasonable excuse, to eat food prescribed by the diet scale or wilfully destroy any food or render it unpalatable or unwholesome;

(xiii) leave without permission the working party to which he is assigned or the part of the premises or grounds in or at which he may be required to be present at any particular time;

(xiv) receive or possess or partake of any of the prohibited articles mentioned in rule 16;

(xv) resist or obstruct an officer in the execution of his duty or refuse or omit to obey any

lawful order of an officer or refuse to perform or omit to perform work or duties in the manner indicated for that purpose.

**16. Prohibited articles.**—(1) No person shall, except with the permission of the Superintendent or a Medical Officer, take into a Receiving Centre or Certified Institution a prohibited article.

(2) The following shall be prohibited articles, namely:

(i) Alcohol and spirit of every description.

(ii) Bhang, Ganja and Opium.

(iii) Drugs of every description.

(iv) Matches and materials for producing fire.

(v) Implements of gambling.

(vi) Any implements capable of causing hurt or facilitating escape.

(vii) Any other articles specified in this behalf by the Superintendent by a special order.

**17. Welfare Fund.**—(1) For every Receiving Centre and Certified Institution, there shall be a Welfare Fund.

(2) The Superintendent may accept donations or contributions in cash or kind made to the Welfare Fund by the public: provided that no such donation or contribution in cash exceeding one hundred rupees shall be accepted without the previous approval of the Government.

(3) All donations and contributions accepted under this rule shall be acknowledged by written receipts bearing serial numbers.

(4) (a) The Superintendent shall deposit the amount of donations or subscriptions made to the Welfare Fund in the Treasury of Institute of Public Assistance (Provedoria).

(b) The Superintendent shall also credit all non-Government money in the nearest nationalised Bank by opening a savings account for each inmate. Such non-Government money shall not form part of the Welfare Fund.

*Explanation.*—For the purposes of this sub-rule «Non-Government money» means—

(a) gratuities earned by the inmate under sub-rule (3) of rule 27 for the good conduct and satisfactory progress in training;

(b) wages earned by inmates for doing outside work;

(c) private cash belonging to the inmates which is deposited with the Superintendent.

(5) The amount standing to the credit of the Welfare Fund shall be spent for the following purposes, namely:—

(i) to meet contingent expenses in connection with the collection of the fund; and

(ii) to provide for the welfare and comfort of the inmates of, including those released on licence from, the Centre or Institution, as the case may be.

(6) The Superintendent may, in consultation with the Visiting Committee, subject to the requirements of sub-rule (5), spend sums out of the Welfare Fund

on objects previously determined by the Visiting Committee:

Provided that no amount exceeding Rs. 100 shall be spent without the previous sanction of the Chief Inspector.

(7) The fund shall be operated by the Superintendent as the Controlling and Disbursing Officer, and he shall be responsible for the proper maintenance of the accounts of the fund.

(8) The Superintendent shall maintain separately in connection with the fund, a cash book and an order book.

(9) The accounts of the fund shall be audited at the time of the annual audit of the accounts of the Receiving Centre or the Certified Institutions to which it relates.

**18. Collection Boxes.**—(1) The Superintendent may instal collection boxes which shall, subject to the provisions of sub-rule (2), be kept locked and sealed.

(2) Every such box shall be opened at least once and not more than twice in a quarter of a month.

(3) The amount so collected shall be credited to the Treasury of Institute of Public Assistance (Provedoria) and shall be spent in the manner, and for the purpose specified in sub-rule (5) of rule 17.

**19. Visiting Committee.**—(1) Visiting Committee appointed under section 14 shall consist of five members, of whom three including the Chairman shall be officials and two shall be non-officials.

(2) The Superintendent and such two other officers including the Chairman as the Government may from time to time, appoint in this behalf, shall be the ex-officio members. In the absence of the Chairman, the senior most official member present shall act as Chairman.

(3) The non-official member of whom, in the case of Visiting Committee appointed for a Receiving Centre or Certified Institution intended for female beggars not less than two shall be lady visitors, shall be nominated by the Government.

(4) Non-official members shall hold office for a period of two years from the date of appointment or for such further period, if any, as the Government may, by general or special order, direct in that behalf.

(5) The tenure of appointment of a non-official member may be terminated by the Government at any time without assigning any reason.

(6) A non-official member shall be eligible for renomination on the expiry of his term of office.

(7) Any casual vacancy among the non-official members shall be filled in by nomination of another non-official who shall hold office so long as the person in whose place he is nominated would have held it if the vacancy had not occurred.

**20. Duties of Visiting Committee.**—(1) It shall be the duty of members of a Visiting Committee appointed for a Receiving Centre or Certified Institution maintained by the Government:—

(a) to visit the Centre or Institution, as the case may be, once a month according to a rota

which shall be drawn up by the Chairman after consulting the members;

(b) to attend meetings;

(c) to visit all parts of the Centre or Institution, and see every inmate remanded or detained therein and make such inquiries of them as they think fit.

(2) It shall be the duty of such Visiting Committee—

(a) to satisfy itself that necessary measures for discipline, employment, teaching of industries and medical care being taken;

(b) to give every inmate an opportunity of making applications and to enquire into the same;

(c) to inspect the accounts and other registers and the record of inmates;

(d) to recommend to the Chief Inspector or Superintendent the release on licence in accordance with section 22 of persons detained in the Certified Institutions;

(e) to recommend to the Chief Inspector the names of societies and responsible persons willing to take charge of or provide work for persons so released;

(f) to ascertain and communicate to the Chief Inspector whether any persons recommended for release is willing to be placed in the charge of or work for any such society or responsible persons;

(g) to consider any other matter connected with the progress of the Centre or Institution, as the case may be, and the welfare of the inmates in general.

(3) Three members shall form a quorum for the purpose of the meetings referred to in clause (b) of sub-rule (1).

**21. Visiting Committee for Receiving Centre or Certified Institution not maintained by the Government.**—The duties of a Visiting Committee appointed for a Receiving Centre or Certified Institution not maintained by the Government shall, subject to the terms of any agreement, entered into by the Government in respect thereof, be the same as those prescribed by rule 20.

**22. Visiting Committee Book.**—(1) At every Receiving Centre and Certified Institution, besides a general Visit Book, there shall be kept a separate Visiting Committee Book, in which shall be recorded the minutes of the proceedings of each meeting of the Committee and wherein members of the Visiting Committee shall also record the dates of their visits and also remarks or suggestions they may have to make.

(2) A copy of the proceedings of each meeting and all such remarks shall be sent to the Chief Inspector with such comments as the Superintendent may desire to offer.

**23. Date before which local authority to pay contribution.**—A Local authority which has agreed to pay any sum of money under sub-section (1) of section 16 shall make payment of that sum to the Government not later than the last date of February

next following the financial year to which the payment pertains.

**24. Conditions of transfer from one Receiving Centre or Certified Institution to another.**—The Chief Inspector may subject to the provisions of sub-rule (2) direct that any person detained in a Receiving Centre or Certified Institution shall be transferred to another Receiving Centre or Certified Institution in the Union territory, subject to the following conditions, namely:—

(i) every such direction shall be issued with due regard to the accommodation available;

(ii) no such direction shall be issued except on—

(a) a report from the Medical Officer recommending the transfer of such person on medical or hygienic grounds, or

(b) a direction given by a Court, or

(c) a report from the Superintendent recommending transfer in the interest of discipline or for other reasons.

(2) Where such person is transferred from one Receiving Centre or Certified Institution to another, all his effects, valuables or money in the custody of the Superintendent shall be sent along with him to the Superintendent of the Receiving Centre or Certified Institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof.

(3) The Chief Inspector shall not direct the transfer of any person to Receiving Centre or Certified Institution not maintained by the Government in contravention of the terms of any agreement entered into by the Government in respect of such Centre or Institution.

**25. Release on licence.**—(1) A person detained in a Certified Institution may be released conditionally on licence by the Chief Inspector if in his opinion such person has been of good behaviour and is not likely to beg or employ or cause persons to beg or use them for the purposes of begging and will be able to maintain himself and his dependents by honest means and satisfies the following conditions, namely:—

(a) in case he is undergoing detention for the first time, he has resided in the Certified Institution for not less than one-third of the term of his detention; and in any other case he has resided in the Certified Institution for not less than two-thirds of the term of detention;

(b) during one month immediately preceding the date of release in the case of a first detention, three such months in the case of detention for the second time and six such months in the case of any subsequent detention, he has not been awarded any disciplinary punishment under any of the clauses (iii) to (vii) of rule 29:

Provided that the Chief Inspector may in special cases, for reasons to be recorded in writing, relax the provisions of clauses (a) and (b).

(2) The Superintendent shall give timely intimation of the probable date of an inmate's release from the Certified Institution to his relative and invite the relative to come to the Institution on that date and take charge of the inmate. If the relative takes

charge of the inmate accordingly, actual expenses of the journey undertaken by the relative both ways and the inmate's return journey shall be paid by the Superintendent to the relative at the time of the inmate's release. If the relative does not come to take charge of the inmate, the inmate shall be taken to his native place by a guard from the Institution.

**26. Daily routine in Receiving Centre and Certified Institution.**—(1) At dawn the inmates of every Receiving Centre or Certified Institution shall be marched off to perform their ablutions and a reasonable time shall be allowed for the performance of hygienic duties.

(2) The inmates shall be employed first in cleaning the dormitories, compound and other parts of the Receiving Centre and Certified Institution; thereafter the inmates shall attend to their respective duties such as carpentry, weaving and other like assignments.

(3) All inmates, provided they are medically fit, shall ordinarily be required to work for 8 hours on every working day. Exemption from work or reduction in the hours of work may be granted by the Superintendent on the recommendation of the Medical Officer.

(4) The details of the daily routine and employment of the inmates during the various hours of the day shall be fixed by the Superintendent with the approval of the Chief Inspector, who shall have power to make changes therein from time to time, if necessary. The approved time table in the behalf shall be displayed on the notice board of the Receiving Centre and the Certified Institution.

**27. Grade System and Gratuities.**—(1) With view to encouraging steady behaviour and application to the training provided, the following grade system may be employed in Certified Institution, or in a Receiving Centre, as the case may be, namely:—

(a) Head Mukadam's grade—Not more than one person from among 5 mukadams, of exceptionally good conduct shall be promoted as a Head Mukadam.

(b) Mukadam's Grade—At the head of every working party consisting of 15 inmates there shall be one Mukadam selected from among the inmates who have settled down to the institutional life and whose conduct and progress have been satisfactory.

(2) Promotion or reduction in grade shall be made by the Superintendent.

(3) An inmate who shows satisfactory progress in the training provided for him or whose conduct is good may be paid a gratuity not exceeding five rupees per month.

(4) The amount earned by way of gratuities by inmates shall be kept with the Superintendent who shall credit the total amount in the nearest nationalised Bank by opening a personal ledger account for each inmate as required by the provisions of clause (b) of sub-rule (4) of rule 17. An inmate may spend out of the balance at his credit such amount and on such articles, as the Superintendent may consider to be reasonable. On the release of an inmate, the balance, if any, left in his account shall be handed over to him and the ledger closed.



**28. Disposal of property of inmates dying or escaping before release.** — (1) When an inmate of any Receiving Centre or Certified Institution dies therein, the property left by the deceased and the amount earned by him, as a gratuity, if any, shall be kept in safe custody, and handed over by the Superintendent of such Receiving Centre or such Certified Institution, as the case may be, to any person who establishes his claim thereto and executes an indemnity bond. A receipt shall be obtained from such person for having received such property and the amount. If no such claimant appears within a period of one year from the date of death of such inmate the property and amount shall be handed over to the police for disposal in accordance with the provisions of law for the time being in force.

(2) When an inmate of any Receiving Centre or Certified Institution escapes therefrom or fails to return thereto after the expiry of the period of absence permitted to him, the property left by him and the amount earned by him as a gratuity, if any, shall be kept in safe custody by the Superintendent of such Receiving Centre or such Certified Institution, for a period of one year from the date of escape of such inmate or the date on which such inmate should have returned thereto, as the case may be. If within the said period such inmate is not arrested and sent back, or does not return, to the Receiving Centre or Certified Institution, as the case may be, such property and amount shall be handed over to the police for disposal in accordance with the provisions of law for the time being in force.

**29. Punishments.** — If a person commits a breach of any of the provisions of rule 15, he shall be liable to any one or more of the following punishments which may be awarded by the Superintendent who shall record all such disciplinary measures in a register provided for the purpose: —

- (i) Formal warning personally addressed to the inmate by the Superintendent;
- (ii) Forfeiture of privileges, if any;
- (iii) Degradation in grade, if any;
- (iv) Confinement in the lock-up for a period not exceeding 3 days;
- (v) Imposition of handcuffs, except in the case of a female;
- (vi) Solitary confinement not exceeding 10 days at a time;

Provided that, the penalty specified in clause (i) shall not be combined with any penalty other than that specified in clause (ii), and the penalties specified in clauses (iv) and (vi) shall not be carried out in combination even when awarded at different times and for different offences.

**30. Conditions for release on licence.** — A person detained in Certified Institution shall not be released on licence by the Chief Inspector under clause (b) of sub-section (1) of section 22 except on the conditions specified in Form 'D'.

#### FORM A

(See rule 3)

Name: \_\_\_\_\_ No. \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_ money  
 is authorised to solicit or receive food  
 \_\_\_\_\_ gifts  
 for the purpose of \_\_\_\_\_

at the following places \_\_\_\_\_  
 within the following areas \_\_\_\_\_  
 during the period commencing on the \_\_\_\_\_ and ending on the \_\_\_\_\_, subject to the following conditions: —

(i) This authorisation shall be carried by the holder when collecting alms and on demand by any police officer or any other person authorised, by the Government, be produced for inspection.

(ii) This authorisation shall not be transferable.

(iii) The collection shall be used only for the purpose mentioned above.

(iv) The manner of collection shall be as under: —  
 (to be specified by issuing authority)

(v) This authorisation shall be liable to cancellation for the breach of any of its conditions.

Given under my hand and seal the \_\_\_\_\_ day of \_\_\_\_\_

District Magistrate of \_\_\_\_\_

#### FORM B

[See rule 8(2)]

#### Medical Examination Slip Receiving Centre

Name (full)			Age	
No.	Detained	Sex	Wt.	Ht.
Identification marks				
General state of health				
Fit for	Work at			Institution.
Remarks				
Date				Medical officer.

#### FORM C

[See rule 8(2)]

#### Form of Medical Examination

Name of the Receiving Centre \_\_\_\_\_

Admission No. \_\_\_\_\_

(a) Name in full \_\_\_\_\_

Married or Single \_\_\_\_\_

Caste \_\_\_\_\_

Age \_\_\_\_\_

Sex \_\_\_\_\_

Identification marks \_\_\_\_\_

Date of admission in the Receiving Centre \_\_\_\_\_

Weight \_\_\_\_\_

Height \_\_\_\_\_

General state of health, bodily condition and previous history. \_\_\_\_\_

For which kind of work, if any, he/she is fit. \_\_\_\_\_

(b) Result of medical examination: —

1. Eye
2. Mouth
3. Teeth
4. Nose
5. Throat
6. Ear
7. Heart
8. Lungs
9. Liver
10. Spleen
11. Skin
12. Blood test, if any
13. Mentality
14. Urine, test, if any
15. Deformities, if any
16. Special remarks, if any, including those on contagious or infectious diseases or nervous system.
17. Injuries or marks of violence, if any.

Diagnosis —

- (1) Whether suffering from contagious leprosy or other communicable infectious diseases.
- (2) Whether an idiot or of unsound mind.
- (3) Other diseases, if any.

Remarks about treatment or action proposed. \_\_\_\_\_

Medical Officer. \_\_\_\_\_

FORM D  
(See rule 30)

Form of release on licence

I, **Chief Inspector of Certified Institutions,**  
Government of Goa, Daman and Diu, do by this licence  
permit \* **caste** **residence**  
**number** **who was ordered to be detained in a**  
**Certified Institution by the Court at** **under**  
**section** **of the Goa, Daman and Diu Prevention**  
**of Begging Act 1972 (Act No. 42 of 1973) for a term of**  
**on the/day of** **19** **and who is**  
**now detained in the†** **at** **to be**  
**released from the said institution for the remaining portion**  
**of the aforesaid period of detention.**

This licence is granted subject to the conditions endorsed  
hereon, upon the breach of any of which it shall be liable  
to be revoked.

Given under by hand and seal this **day of**

**Chief Inspector of Certified Institutions.**  
**Government of Goa, Daman and Diu**

(\* Here specify name of inmate).

(† Here specify name of Certified Institution).

Conditions

1. The licensee shall proceed to **and** **reside**  
there, and may, with the consent of the Chief Inspector,  
reside at any place until the expiry of the period of his/her  
detention unless he/she is released unconditionally or the  
licence is revoked earlier.

2. The licensee shall find regular employment within a  
period of one month from the date of his/her release and  
shall obey such instructions as he/she may receive from  
the Chief Inspector with regard to punctual and regular  
attendance employment or otherwise.

3. The licensee shall abstain from begging or employing  
or causing persons to beg, or using them for the purpose  
of begging.

4. The licensee shall lead a sober and industrious life to  
the satisfaction of the Chief Inspector.

5. The licensee shall abide by the instructions of the  
supervising Probation Officer.

6. In the event of his/her committing a breach of any  
of the above conditions, the licence shall be revoked and  
thereupon the licensee shall be liable to be detained in a  
Certified Institution till the expiry of the term for which  
he/she had been ordered to be detained by the Court.

7. The Chief Inspector shall be the sole Judge as to  
whether a breach of any condition of this licence has taken  
place.

I hereby acknowledge that I am fully aware of the above  
conditions which have been explained to me and that I  
accept the same.

Signature or mark of the licensee

Certified that the conditions specified above have been  
read over **to (name)** **and that the licensee**  
**explained**  
**has accepted them and that he/she has been released accord-**  
**ingly on the** **19**

Signature of the Superintendent.

By order and in the name of the Administrator  
of Goa, Daman and Diu.

**Abel do Rosario, Under Secretary (Development).**

**Panaji, 10th October, 1975.**

Law and Judiciary Department

Notification

LD/3932/75

The following Ordinance which was recently pro-  
mulgated by the President of India is hereby pub-  
lished for general information of public.

**M. S. Borkar, Under Secretary (Law).**

**Panaji, 6th October, 1975.**

THE ELECTION LAWS (EXTENSION  
TO SIKKIM) ORDINANCE, 1975

No. 9 of 1975

Promulgated by the President in the Twenty-sixth  
Year of the Republic of India.

An Ordinance to provide for the extension of the  
Representation of the People Act, 1950 and the  
Representation of the People Act, 1951, to the  
State of Sikkim.

Whereas Parliament is not in session and the Pre-  
sident is satisfied that circumstances exist which  
render it necessary for him to take immediate action;

Now Therefore, in exercise of the powers conferred  
by clause (1) of article 123 of the Constitution, the  
President is pleased to promulgate the following  
Ordinance:—

1. **Short title and commencement.**— (1) This Or-  
dinance may be called the Election Laws (Extension  
to Sikkim) Ordinance, 1975.

(2) It shall come into force at once.

2. **Extension and amendment of election laws.**—  
(1) The Acts mentioned in the Schedule are hereby  
extended to, and shall be in force in, the State of  
Sikkim.

(2) With effect from the commencement of this  
Ordinance, the Acts mentioned in the Schedule shall  
be amended as specified therein.

(3) Any reference in the Acts mentioned in the  
Schedule to a law not in force, or to a functionary  
not in existence, in the State of Sikkim shall be  
construed as a reference to the corresponding law  
in force, or to the corresponding functionary in exis-  
tence in that State:

Provided that if any question arises as to who such  
corresponding functionary is, or if there is no such  
corresponding functionary, the Central Government  
shall decide as to who such functionary will be and  
the decision of the Central Government shall be final.

THE SCHEDULE

(See section 2)

The Representation of the People Act, 1950

(43 of 1950)

Section 7 A. — After section 7, insert:—

"7A. Total number of seats in the Legislative  
Assembly of Sikkim and Assembly constituen-



**cies.** — (1) Notwithstanding anything contained in section 7, in the Legislative Assembly of the State of Sikkim [deemed under the Constitution (Thirty-sixth Amendment) Act, 1975 to be the Legislative Assembly of that State duly constituted], the total number of seats to be filled by persons chosen by direct election from Assembly constituencies shall be 32.

(2) Every Assembly constituency referred to in sub-section (1) shall be a single-member constituency.

(3) In the Legislative Assembly so deemed to be duly constituted, the extent of each constituency and the reservation of seats shall be as provided for immediately before the commencement of the Constitution (Thirty-sixth Amendment) Act, 1975."

**Section 25A.** — In Part III, after section 25, insert:—

**"25A. Conditions of registration as elector in Sangha constituency in Sikkim.** — Notwithstanding anything contained in sections 15 and 19, for the Sangha constituency in the State of Sikkim, only the Sanghas belonging to monasteries, recognised for the purpose of the elections held in Sikkim in April, 1974, for forming the Assembly for Sikkim, shall be entitled to be registered in the electoral roll, and the said electoral roll shall, subject to the provisions of sections 21 to 25, be prepared or revised in such manner as may be directed by the Election Commission, in consultation with the Government of Sikkim."

**The First Schedule.** — In the First Schedule, under the heading "I. STATES", after serial number 15 and the entries relating thereto, insert:—

"15A. Sikkim .. .. . 1 .. .. ."

The Representation of the People Act, 1951

(43 of 1951)

**Section 4.** — In section 4, omit "and" at the end of clause (cc) and after that clause, insert:—

"(ccc) in the case of the seat allotted to the State of Sikkim, he is an elector for the Parliamentary constituency for Sikkim,".

**Section 5A.** — After section 5, insert:—

**"5A. Qualifications for membership of Legislative Assembly of Sikkim.** — Notwithstanding anything contained in section 5, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of Sikkim (deemed to be the Legislative Assembly of that State duly constituted under the Constitution) unless —

(a) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any Assembly constituency in the State other than the constituency reserved for the Sanghas;

(b) in the case of a seat reserved for Sikkimese of Nepali origin, he is a person of Nepali origin and is an elector for any Assembly constituency in the State;

(c) in the case of a seat reserved for Scheduled Castes, he is a member of any of the castes specified in the Representation of Sikkim Subjects Act, 1974 and is an elector for any Assembly constituency in the State; and

(d) in the case of a seat reserved for Sanghas, he is an elector of the Sangha constituency."

**Section 12A.** — After section 12, insert:—

**"12A. Notification for election to fill the seat allotted to the State of Sikkim in the Council of States.** — For the purpose of filling for the first time the seat allotted to the State of Sikkim by the Constitution (Thirty-sixth Amendment) Act, 1975 in the Council of States, the President shall, by a notification published in the Gazette of India, on such date as may be recommended by the Election Commission, call upon the elected members of the Legislative Assembly of the State of Sikkim to elect a member in accordance with the provisions of this Act and of the rules and orders made thereunder and the election so held shall for all purposes and intent be deemed to have been held under section 12."

**Section 14A.** — After section 14, insert:—

**"14A. Notification for electing the representative of the State of Sikkim to the existing House of the People.** — For the purpose of electing a representative of the State of Sikkim to the House of the People, specified in clause (e) of article 371F of the Constitution, the Election Commission shall call upon the members of the Legislative Assembly of the State of Sikkim to elect the representative in accordance with such of the provisions of this Act, and the rules and orders made thereunder; as are applicable to the election of the members of the Council of States."

**Section 33.** — In section 33, after sub-section (1), insert:—

**"(1A)** Notwithstanding anything contained in sub-section (1), for election to the Legislative Assembly of Sikkim (deemed to be the Legislative Assembly of that State duly constituted under the Constitution), the nomination paper to be delivered to the returning officer shall be in such form and manner as may be prescribed:

Provided that the said nomination paper shall be subscribed by the candidate as assenting to the nomination, and —

(a) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, also by at least twenty electors of the constituency as proposers and twenty electors of the constituency as seconders;

(b) in the case of a seat reserved for Sanghas, also by at least twenty electors of the constituency as proposers and at least twenty electors of the constituency as seconders;

(c) in the case of a seat reserved for Sikkimese of Nepali origin, by an elector of the constituency as proposer:

Provided further that no nomination paper shall be delivered to the returning officer on a day which is a public holiday."

*Section 34.* — In section 34, in sub-section (2), for “under sub-section (1) of section 33”, substitute “under sub-section (1) or, as the case may be, sub-section (1A) of section 33”.

*Section 35.* — In section 35, for “under sub-section (1)”, substitute “under sub-section (1) or, as the case may be, sub-section (1A)”.

FAKHRUDDIN ALI AHMED,  
*President.*

9-9-75

K. K. SUNDARAM,  
*Secy. to the Govt. of India.*

#### Notification

LD/5953/75

The following notification received from the Government of India, Ministry of Law, Justice and Company Affairs New Delhi, is hereby republished for general information of the public.

*M. S. Borkar*, Under Secretary (Law).

Panaji, 6th October, 1975.

#### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

#### Notification

*New Delhi, the 10th September 1975*

**S. O. 496(E).** — In exercise of the powers conferred by section 169, read with sections 12A and 14A, of the Representation of the People Act, 1951 (43 of 1951), the Central Government, in consultation with the Election Commission, hereby makes the following Rules, namely:—

1. (1) These Rules may be called the Conduct of Parliamentary Elections (Sikkim) Rules, 1975.

(2) They shall come into force at once.

2. The Conduct of Elections Rules, 1961, in so far as they relate to the elections to the Council of States shall apply —

(a) to the election of the representative of the State of Sikkim in the House of the People specified in clause (e) of article 371F of the Constitution, with the necessary modifications;

(b) to the elections for filling the seat allotted to the State of Sikkim in the Council of States.

[No. F.7(14)/75-Leg.II]

K. K. SUNDARAM, Secy.